IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 5903 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE J.R.VORA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SANTOSHBHAI SODABHAI CHOHALA (BHARVAD)
Versus
THE STATE OF GUJARAT & ANR

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Appearance :
MR MEHUL SHARAD SHAH for Applicant
MR AY KOGJE APP for Respondent No. 1
MR UA TRIVEDI for Respondent No. 2

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CORAM : HONOURABLE MR.JUSTICE J.R.VORA

Date : 28/06/2006

ORAL JUDGMENT

1 Heard learned Advocate Mr. Mehul Sharad Shah for

petitioner, learned APP Mr. A.Y. Kogje for respondent No.1 State and learned Advocate Mr. U. R. Trivedi for respondent No. 2. Rule. Service of rule is waived by learned APP Mr. Kogje for respondent No. 1 and learned Advocate Mr. Trivedi for respondent No.2.

2 Present respondent No.2 filed one First Information Report before `B' Division Police Station, Bhavnagar, vide Crime Register No. 273 of 2006, on 3rd of June, 2006, for the offences punishable under Sections 419, 420, 465, 468, 471 and 467 of the Indian Penal Code. The allegations were in respect of forging of licence, documents and signature of the complainant by accused present applicant.

3 This application is preferred for quashing the said FIR with a request that the parties have settled the matter amicably and the FIR in question is required to be quashed.

4 Affidavit preferred by the respondent No.2 complainant vide Annexure-E discloses that the FIR came to be filed by the complainant on pressurizing by the police of Bhavnagar `B' Division Police Station and, therefore, vide order dated 12th of June, 2006, the learned APP Mr. Kogje was instructed to call for instructions from concerned police

station. Learned APP Mr. Kogje submits that in this respect an affidavit was also drafted, instructions were called for, but since last two dates, none appears from Bhavnagar `B' Division Police Station.

5 In the meanwhile, today, learned Advocate for the applicant accused and learned Advocate for respondent No.2 complainant places on record further affidavit of the complainant with a statement that in Annexure `E' allegations levelled against Bhavnagar `B' Division Police Station for pressurizing the complainant was on account of misunderstanding and, therefore, further affidavit is filed wherein it is mentioned that the complainant has no grievance, whatsoever, against Bhavnagar `B' Division Police Station. On submitting the said further affidavit, the same is taken on record and the statement of the learned Advocates is recorded.

6 In view of the decision of the Apex Court in the matter of B..S. JOSHI vs. STATE OF HARYANA, as reported in AIR 2003 SC 1386 though the offences are not compoundable, but when complainant himself comes with the say that the matter is compromised and no further

prosecution is necessary, the complaint could be quashed in inherent power of this Court.

7 In above view of matter, this application stands allowed. First Information Report registered before Bhavnagar `B' Division Police Station, vide Crime Register No. 273 of 2006 and along with all the proceedings taken in pursuance of the said FIR stands quashed. Rule is made absolute to the above extent.

(J. R. VORA, J.)

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